

HOUSE BILL No. 1043

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-18-14-3.

Synopsis: Medical malpractice caps. Increases the medical malpractice cap from \$1,250,000 to \$1,650,000 for claims arising after June 30, 2015. Increases the maximum amount of liability for a health care provider or a health care provider's insurer from \$250,000 to \$300,000.

Effective: July 1, 2016.

Torr

January 6, 2015, read first time and referred to Committee on Judiciary.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1043

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-18-14-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The total amount
3 recoverable for an injury or death of a patient may not exceed the
4 following:
5 (1) Five hundred thousand dollars (\$500,000) for an act of
6 malpractice that occurs before January 1, 1990.
7 (2) Seven hundred fifty thousand dollars (\$750,000) for an act of
8 malpractice that occurs:
9 (A) after December 31, 1989; and
10 (B) before July 1, 1999.
11 (3) One million two hundred fifty thousand dollars (\$1,250,000)
12 for an act of malpractice that occurs:
13 (A) after June 30, 1999; and
14 (B) before July 1, 2016.
15 (4) One million six hundred fifty thousand dollars (\$1,650,000)



for an act of malpractice that occurs after June 30, 2016.

(b) A health care provider qualified under this article (or IC 27-12 before its repeal) is not liable for an amount in excess of ~~two three~~ **two three** hundred ~~fifty~~ thousand dollars ~~(\$250,000)~~ **(\$300,000)** for an occurrence of malpractice.

(c) Any amount due from a judgment or settlement that is in excess of the total liability of all liable health care providers, subject to subsections (a), (b), and (d), shall be paid from the patient's compensation fund under IC 34-18-15.

(d) If a health care provider qualified under this article (or IC 27-12 before its repeal) admits liability or is adjudicated liable solely by reason of the conduct of another health care provider who is an officer, agent, or employee of the health care provider acting in the course and scope of employment and qualified under this article (or IC 27-12 before its repeal), the total amount that shall be paid to the claimant on behalf of the officer, agent, or employee and the health care provider by the health care provider or its insurer is ~~two three~~ **two three** hundred ~~fifty~~ thousand dollars ~~(\$250,000)~~ **(\$300,000)**. The balance of an adjudicated amount to which the claimant is entitled shall be paid by other liable health care providers or the patient's compensation fund, or both.

